

COMMONWEALTH OF VIRGINIA

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VIRGINIA HOUSING COMMISSION

MEETING SUMMARY

Affordable Housing, Real Estate Law, and Mortgages Workgroup Tuesday, May 22, 2018, 10:00 a.m. House Room 1, The Capitol

Members Present:

Delegate Chris Peace, *Chair*; Senator George Barker; Delegate Betsy Carr; Cynthia Hall, Governor's Appointee; Laura Lafayette, Governor's Appointee; Neal Barber, Community Futures; Robert Bradshaw, Independent Insurance Agents of Virginia; Paul Brennan, Virginia Housing Development Authority; Andrew Clark, Home Builders Association of Virginia; Tyler Craddock, Virginia Association of Housing and Community Development Officials; Chip Dicks, Virginia Association of Realtors; Andrew Friedman, Virginia Beach Department of Housing & Neighborhood Preservation; Brian Gordon, Apartment & Office Building Association of Metropolitan Washington; Michelle Gowdy, Virginia Municipal League; Kelly Harris-Braxton, Virginia First Cities; Pam Kestner, Department of Housing and Community Development; Kelly King Horne, Homeward; Joe Lerch, Virginia Association of Counties; Renee Pulliam, Virginia Apartment Management Association; Jay Speer, Poverty Law Center; Elizabeth Steele, Stewart Title; William Walton, Real Property, Inc.; Elizabeth Palen, Executive Director

The Affordable Housing, Real Estate Law, and Mortgages Workgroup meeting was called to order at 10:00 a.m. by Delegate Chris Peace, Chair.

Topic: Hoarding

Speakers: Delegate Mark Keam; Matt Paxton, Hoarding Specialist

Relevant legislation: HB 391 (2018, Keam)

Delegate Keam advised the Workgroup that he introduced HB 391 in the 2018 Session to facilitate public discussion of hoarding and to gain input on controlling the problem from those with specialized expertise.

DELEGATE DANNY W. MARSHALL
DELEGATE DAVID L. BULOVA
DELEGATE BETSY CARR
DELEGATE BARRY D. KNIGHT
DELEGATE CHRISTOPHER K. PEACE

SENATOR MAMIE E. LOCKE
SENATOR GEORGE L. BARKER
SENATOR WILLIAM M. STANLEY, JR.

CYNTHIA HALL
LAURA D. LAFAYETTE
LAWRENCE PEARSON

Delegate Keam received a letter from a constituent who lives in a row-style townhouse with shared walls. The constituent reported that the constituent's neighbor is a hoarder, that the neighbor's premises are infested with rats and bugs, and that the constituent regards the problem as a public health issue. For the past 10 years, the constituent has tried to address the hoarding problem and has contacted various local agencies, including the health department and the Board of Supervisors, for assistance, but the constituent was informed that the issue didn't fall within the county's zoning code violations.

Delegate Keam noted that using zoning as a means to regulate this issue raises concerns because hoarding is codified as a mental health issue that may also be regulated by the federal Civil Rights Act and Americans with Disabilities Act. Efforts are sometimes made to cast this mental health issue as a housing issue when it is both a mental health *and* housing issue. He added that building inspectors need a warrant to investigate possible violations and inspect the premises, which is not easy to obtain.

Delegate Keam is looking for ideas to address the issue from a housing perspective. He has talked to the Governor to get parties from many sectors together to form a statewide workgroup.

Matt Paxton, host of the television show *Hoarders*, explained to the Workgroup that he has cleaned over 3,000 houses in the Commonwealth and written a book on the topic. Mr. Paxton reported that no state addresses hoarding comprehensively. Only two state Codes, one being Ohio's, have regulations concerning hoarding. Mr. Paxton asserted that Virginia has an opportunity to develop rules, laws, and regulations that would make the Commonwealth a national model for best practices and solutions.

Mr. Paxton then gave an overview of the hoarding condition, only recently recognized as a mental disorder, which Mr. Paxton said is caused by trauma and abuse and which affects men and women equally. A compulsive hoarder has an overwhelming desire to collect an excessive amount of possessions, far beyond simple collecting: Happiness to a hoarder is in obtaining possessions. There are five stages of hoarding: At Stage 1, clutter is noticeable but the resident is still willing to invite family, friends, or neighbors to visit the home. Troubling behavior patterns, such as anxiety when parting with things, may be developing. At Stage 2, one room becomes a dumping ground, an exit may be blocked, and the resident withdraws out of anxiety or embarrassment. At Stage 3, kitchens and bathrooms become disused, clutter and trash piles up around pathways through rooms, and the resident's personal hygiene is neglected. At Stage 4, entire rooms are blocked off (building codes in Virginia require access to bathrooms and bedrooms). At Stage 5, entire sections of the house are blocked and even structurally damaged; utilities may be nonfunctional; and mold, bugs, and rodents are severe. Despite attempts by neighbors, family, and friends to intervene long before the condition reaches Stage 5, hoarders' houses are

frequently abandoned, taxes are not paid, and ultimately neighborhoods are devalued.

Mr. Paxton estimated that there are 14 million hoarders at Stage 3, 4, or 5 in the United States. San Francisco, Boston, and Metropolitan Washington, D.C.–Northern Virginia are the three cities or localities in the United States recognized as having the largest number of hoarders. He noted that Northern Virginia hoarder households are more likely to be filled with books and papers, possibly related to the area's relatively high income and high education levels.

Originally, Fairfax County created a taskforce but nothing was accomplished and now it is composed only of first responders. Mr. Paxton stated that the taskforce needs to include private industry professionals who can clean houses quickly and inexpensively.

Chip Dicks, Virginia Association of Realtors, stated that disability issues are a confusing area of law and that the Fair Housing Act has to be considered when cleaning a hoarder's house. He suggested that Tom Payne, Assistant Attorney General, provide a general guidance document from the current perspective of the Attorney General regarding hoarding that includes guidance for addressing the issue.

The Workgroup unanimously agreed that there is a need to gather more information, perhaps through surveys, about how often complaints are filed, how many man-hours are needed by local agencies, and what resources localities need.

Delegate Peace asked Delegate Keam when the Governor's task force will be established; Delegate Keam responded that he will get additional information concerning the directive as given from the Governor's Office.

Topic: Inoperable Vehicles on Private Property

Speakers: *Adam Kinsman, Attorney, James City County; Christy Parrish, Zoning Administrator, James City County*

Relevant legislation: SB 454 (2018, Mason)

Adam Kinsman addressed the Workgroup on the issue of inoperable vehicles on private property in James City County. According to Mr. Kinsman, James City includes many newer gated communities with property owners' associations (POAs) and home owners associations (HOAs) that have controls in their by-laws concerning the build-up of inoperable vehicles, sometimes referred to as junk cars. The other portion of the county has neighborhoods built in the 1940s, 1950s, and 1960s, and in these older neighborhoods, without the restrictions

imposed elsewhere by POAs and HOAs, there are problems with inoperable vehicles on such private property.

He informed the Workgroup that under § 15.2-904, a locality may elect to define an inoperable vehicle as a vehicle displaying neither a valid state inspection decal nor a valid license plate. Twenty localities are separately regulated by § 15.2-905 today, which provides that a locality may define as inoperable a vehicle that displays either an invalid inspection decal or an invalid license plate; Mr. Kinsman would like James City County to be the twenty-first locality added to this section.

Christy Parrish stated that James City County receives many calls asking what the county can do about multiple cars on a property. She noted that inoperable vehicles have remained on property for as long as six years (and for additional years if the owner then adds a valid license plate). James City County administrators are only concerned with the residential community in regard to this issue. They are not looking for recently expired license plates or invalid inspection decals on vehicles in driveways but respond to complaints. James City County generally sends three to four letters to each resident not in compliance with the ordinance asking such resident to update the decal or license plate before any other action is taken by the locality. There are very few complaints concerning inoperable vehicles located on property in the agricultural districts of the county. The majority of complaints are from those who reside in areas zoned as residential. Residents are given 30 days to rectify the issue; if the issue is not rectified, additional letters are sent by the county. Finally, the county will develop an action plan, with voluntary compliance as the goal.

Michelle Gowdy suggested it would be better to include all localities in § 15.2-905. The statewide expansion of its application will work to tighten up an overly broad definition of “inoperable motor vehicle.”

Joe Lerch, Virginia Association of Counties (VACo), said Albemarle County was added to § 15.2-905 in 2013 and that, from VACo’s point of view, making the law statewide makes sense.

The Workgroup was in unanimous agreement to recommend that a more consolidated statute with a more precise definition of what constitutes an inoperable motor vehicle should be crafted.

Public Comment and Adjournment

The chair called for public comment; hearing none, the meeting was adjourned at 1:15 p.m.